

act. The article was labeled in part: "One Pound, Net Weight Lamoille \* \* \* Creamery \* \* \* Made in the Finest Dairy Section in Vermont."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat and containing excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in whole and in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the statement on the label, "Butter \* \* \* Guaranteed \* \* \* Pure," was false and misleading and deceived and misled the purchaser in that the said statement represented that the article was pure butter, whereas, in truth and in fact, it was not but was a product deficient in butterfat and containing excessive moisture. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, butter, whereas, in truth and in fact, it was not butter but was a product deficient in butterfat and containing excessive moisture.

On February 14, 1924, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product should be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12208. Misbranding of olive oil. U. S. v. The Youngstown Grocery Co., Inc., a Corporation. Plea of nolo contendere. Fine, \$100.** (F. & D. No. 17415. I. S. No. 1274-v.)

On June 26, 1923, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Youngstown Grocery Co., Inc., a corporation, Youngstown, Ohio, alleging shipment by said company, in violation of the food and drugs act, as amended, on or about August 4, 1922, from the State of Ohio into the State of West Virginia, of a quantity of olive oil which was misbranded. The article was labeled in part: "Olio D'Oliiva Purissimo Marca Garibaldi \* \* \* Marca Depositata Francesco Silvestri Lucca (Italy) \* \* \* Net Contents Full Quarter Gallon."

Examination of 18 cans of the article by the Bureau of Chemistry of this department showed an average shortage of 5.4 per cent in the contents of the said cans.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Olio D'Oliiva Purissimo Marca Garibaldi \* \* \* \* Marca Depositata Francesco Silvestri Lucca (Italy)" and "Net Contents Full Quarter Gallon," borne on the cans containing the article, regarding the said article, were false and misleading in that they represented that the article was an olive oil packed by Francesco Silvestri at Lucca in the Kingdom of Italy and that each of said cans contained 1 full quarter gallon net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an olive oil packed by Francesco Silvestri at Lucca in the Kingdom of Italy and that each of said cans contained 1 full quarter gallon net of the said article, whereas, in truth and in fact, the article was not an olive oil packed by Francesco Silvestri at Lucca in the Kingdom of Italy but was an article packed in the United States of America, and each of said cans did not contain 1 full quarter gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 17, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12209. Adulteration of cocoa. U. S. v. 51 Drums of Cocoa. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17093. I. S. No. 208-v. S. No. E-4253.)

On December 28, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 51 drums of cocoa, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been

shipped by the Handy Chocolate Co., from Springfield, Mass., on or about February 14, 1922, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Packed In 100 Lb. Drums."

Adulteration of the article was alleged in the libel for the reason that excessive [cocoa] shells had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On December 4, 1923, the Handy Chocolate Co., Springfield, Mass., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12210. Adulteration of concentrated tomato and tomato sauce. U. S. v. Thomas Page. Plea of guilty. Fine, \$1,000.** (F. & D. No. 17061. I. S. Nos. 5538-t, 5989-t, 15522-t, 15524-t.)

On April 3, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas Page, Albion, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about September 24, 1921, from the State of New York into the State of Massachusetts, and on or about September 13, December 19, and December 29, 1921, respectively, from the State of New York into the State of Pennsylvania, of quantities of concentrated tomato and tomato sauce which were adulterated. The articles were labeled in part, respectively: "Mt. Etna Brand \* \* \* Concentrated Tomato \* \* \* Packed By Thomas Page Albion, N. Y., U. S. A.;" "Royal Kitchen Brand \* \* \* Page Tomato Sauce \* \* \* Packed By Thomas Page Albion, N. Y. U. S. A."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they had been made from decomposed tomatoes.

Adulteration of the articles was alleged in the information for the reason that they consisted in whole or in part of filthy and decomposed and putrid vegetable substances.

On April 17, 1923, the defendant entered a plea of guilty to the information, and on November 20, 1923, the court imposed a fine of \$1,000.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12211. Adulteration of Schreiber's hen scratch. U. S. v. 45 Sacks of Schreiber's Hen Scratch. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 665-c. I. S. No. 10433-v. S. No. C-3841.)

On October 11, 1922, the United States attorney for the District of Kansas, acting upon a report by officials of the State of Kansas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 sacks of Schreiber's hen scratch, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the Schreiber Flour & Cereal Co. from Kansas City, Mo., on or about October 6, 1922, and transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Schreiber's Hen Scratch \* \* \* Ingredients \* \* \* Wheat \* \* \* Manufactured By Schreiber Flour & Cereal Co. Kansas City, Missouri."

Adulteration of the article was alleged in the libel for the reason that mouldy, decomposed wheat had been substituted in part for good wheat, as represented in the label, thereby reducing and lowering and injuriously affecting its quality and strength.

On March 13, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12212. Adulteration of shell eggs. U. S. v. William T. Harris (W. T. Harris & Sons). Plea of guilty. Fine, \$25.** (F. & D. No. 17419. I. S. No. 7583-v.)

On July 5, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court